

REMARKS

Claims 2-20 are pending in this application after this amendment. Claims 1 and 19 are independent. New claim 20 is presented for consideration. No new matter has been added by the addition of new claim 20. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 2, 4-5, 7, 11-13 and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lin (USP 6,108,437) in view of Dobashi (U.S. Patent Application Publication No. 2002/0126880). Further, the Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and further in view of Lobo (USP 5,781,650); rejected claims 6, 9-10 and 16 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and further in view of Okazaki (U.S. Patent Application Publication No. 2002/0176610); and rejected the remainder of the claims based on a combination of additional references. Applicant respectfully traverses these rejections.

Examiner Interview

Applicant wishes to thank the Examiner for the Interview conducted on July 16, 2008. Applicant notes that the Interview Summary incorrectly recites the date of the Interview as September 16, 2008. During the Interview, the parties discussed the differences between the cited art of record and the comparing unit and the authentication unit of claims 2 and 19. The Examiner indicated that he agreed that the cited art failed to teach or suggest the stored face picture, the face picture taken by the image pick-up unit, and the face picture of a particular person who is categorized as of a special concern, as recited in the claim. The Examiner

indicated that he would further consider Applicant's arguments upon filing of this formal response.

Prior Art Rejections

By this amendment, Applicant has amended claim 2 to recite a personal authentication apparatus for certifying a user, comprising a memory **storing a template face-picture of the user** therein, and **a face-picture of a particular person who is categorized as of a special concern**; an **image pickup unit taking a face-picture of said user**; a particular person comparing unit **comparing said user's face-picture taken by said image pickup unit with the face-picture of the particular person, who is categorized as of the special concern, outputting as comparison result a degree of similarity therebetween, and deciding whether said degree of similarity is higher than a predetermined value**; a personal picture acquiring unit for acquiring the template face-picture of the user from said memory; and an authentication unit, **when said degree of similarity is higher than said predetermined value, deciding whether or not said user's face-picture taken by the image pick-up unit is identical with the template face-picture of the user by a first method, and when said degree to similarity is lower than said predetermined value, deciding whether or not said user's face-picture taken by the image pick-up unit is identical with the template face picture of the user by a second method, the second method being different from the first method.**

As agreed upon during the Interview, the cited references, either alone or in combination, fail to teach or suggest a template face picture, a face picture taken by an image pickup unit, and a face picture of a particular person who is categorized as of a special concern. Further, the parties agreed that none of the cited references, either alone or in combination, teach or suggest **comparing said user's face-picture taken by said image pickup unit with the face-picture of the particular person, who is categorized as of the special concern, outputting as comparison result a degree of similarity therebetween, and deciding whether said degree of similarity is higher than a predetermined value.** Further, the parties agreed that none of the cited references, either alone or in combination, teach or suggest an authentication unit, **when**

said degree of similarity is higher than said predetermined value, deciding whether or not said user's face-picture taken by the image pick-up unit is identical with the template face-picture of the user by a first method, and when said degree to similarity is lower than said predetermined value, deciding whether or not said user's face-picture taken by the image pick-up unit is identical with the template face picture of the user by a second method, the second method being different from the first method.

As noted in Applicant's previously filed Reply, the invention of claim 2 recites an apparatus including a comparing unit to compare a user's face-picture taken by the image pickup unit with a face-picture of a particular person, who is categorized as of a special concern and held in advance. The apparatus further includes an authentication unit for deciding whether a user's face picture is identical with the face-picture of the user by a method stricter than the method used before. In other words, the apparatus (i) compares user's face-picture from the image pickup device (A) with the face-picture of "a particular person, who is categorized as of a special concern" (B); and (ii) compares the user's face-picture (A) with the template face-picture of the user (C).

In contrast, elements 905-919 and element 401, relied upon by the Examiner and depicted in Fig. 9 of Lin, are used for the user's face-picture (A) with the registered face picture of the user (C).

Regarding Dobashi, recognition section 107 is used for recognizing the user's face-picture (A) taken by image input section 105 with the registered face-picture of the user (C) held in registration information holding section 109. In the same manner, Lobo, Okazaki, Prokoski, and Colmenarez all merely disclose comparing the user's face-picture (A) with the registered face-picture of the user (C). None of the cited references teach or suggest comparing user's face-picture (A) with the face-picture of a particular person, who is categorized of a special concern (B), as required by the claim.

For at least these reasons, Applicant respectfully submits that claim 2 is patentable over the references as cited.

It is respectfully submitted that claims 3-18 are allowable for the reasons set forth above based upon their dependency on claim 2.

Based upon the agreement between the parties during the Interview, Applicant respectfully requests the outstanding rejection be withdrawn.

It is respectfully submitted that claims 3-18 are allowable for the reasons set forth above based upon their dependency on claim 2. It is further respectfully submitted that claim 19 includes elements similar to those discussed above with regard to claim 2 and thus claim 19, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

Conclusion

In view of the above remarks, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

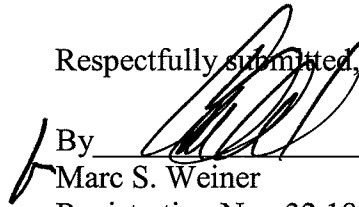
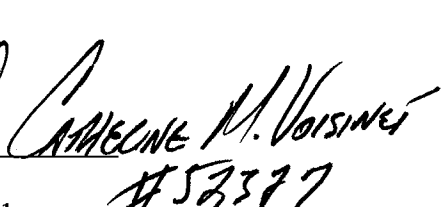
Application No. 10/761,261
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Docket No.: 3562-0135P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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